

Before the Board of Zoning Adjustment, D. C.

Application No. 11577 of Olga M. Mazza, trustee, pursuant to Sections 8207.2 and 8207.11 of the Zoning Regulations for a special exception to establish a parking lot as provided by Section 3101.48 and 3101.411 of the regulations and for a variance from Section 3101.48 of the regulations to permit parking spaces located beyond 200 feet from the premises in the R-2 District located at 5100 Wisconsin Avenue, N. W., part of Lot 9 and Lot 807 in Square 1656.

HEARING DATE: February 13, 1974

EXECUTIVE SESSION: February 21, 1974

FINDINGS OF FACT:

1. The applicant requests the Board to approve accessory parking which is a special exception under Section 3101.48 or 3101.411 and a variance from the 200 feet requirement of both of these sections of the Regulations. Because applicant does not meet the condition requiring the parking lot to be located within 200 feet of the area to which it is accessory, the instant application must be regarded as a request for a variance under Section 8207.1 and 8207.11 of the Regulations.
2. The proposed parking lot is requested for use accessory to existing commercial uses in excess of 200 feet from the subject property.
3. The existing principle commercial use to which the accessory parking is requested, has the required number of parking spaces on site.
4. The subject property was approved as an accessory parking lot in BZA Order Numbers 9736 and 9737, dated August 14, 1968.
5. The subject property is presently unimproved and has not been used as a parking lot pursuant to BZA Orders No. 9736, 9737
6. At the time applications 9736 and 9737 were granted, the subject property was zoned R-5-A, however, by action of the Zoning Commission in the Friendship Heights plan, the subject property was down zoned to R-2.

7. The subject property is within the Friendship Heights plan and preliminary plans indicate that the site is being considered for a park and low-density housing; Interagency Task Force Report, "A plan for the Friendship Heights Area," National Capitol Planning Commission, May 31, 1973.

8. Applicant alleges that his request for a variance is supported by a hardship in that:

- A. It is impractical to construct dwellings on the site because of its irregular shape and that because no street frontages are located adjacent to the property it is land locked and thereby idle.
- B. The property is so surrounded by commercial uses, that its residential zoning creates a practical difficulty.

9. The applicant further alleges that the granting of this application would be a solution to the traffic and parking problems in the area.

10. A report submitted as required by law by the Department of Highways and Traffic which was not subject to cross-examination at Public Hearing, stated no objections, but suggested three conditions if approval should be granted, that:

- A. Installation of a "No Parking" restriction on the North side of Garrison Street from Wisconsin Avenue west to the North-South alley located just east of 42nd street.
- B. Installation of a "No Parking" restriction on the south side of Harrison Street from Wisconsin Avenue west to the north-south alley located just east of 42nd street.
- C. Traffic enter the proposed parking lot from Garrison Street and exit on Harrison Street.

11. A written report presented at Public Hearing by the Planning Division of the D. C. Office of Planning and Management, which was subject to cross-examination, stated that the parking lot proposed by this application would "contribute to the solution of lack of parking facilities" in the area. This report further stated that the applicants present facilities for parking seemed to be under-utilized and that the present parking space might be more efficiently used with an attendant or some other control mechanism on that part of the lots not used for short-term visitor parking.

12. The Board finds that the proposed parking lot although potentially helpful to the principle commercial use to which it would be accessory would not be a solution to the traffic and parking problems of the residents of neighborhood.

13. The Board finds that the subject property is abutted by one alley and Garrison Street, N. W. and could be developed for residential use and that excepting a strip of C-2-A zoning, the neighborhood area surrounding the subject property is residential in nature compared of previously low density, detached residential units, some of which directly face or back on the proposed parking area.

14. Support was registered by persons using commercial space in the C-2-A area near the subject property on the grounds that their clientele required more parking.

15. Vigorous opposition was registered by persons living in the neighborhood at Public Hearing and by petitions of record, not objecting to development of the subject property, but opposing the incroachment of a commercial parking lot in a residential area and objections to the esthetics of having to look through the windows of their homes at a large parking lot.

CONCLUSIONS OF LAW:

Based upon the above findings, the Board is of the opinion that applicant has not demonstrated the existence of a hardship as required by Section 8207.11 of the Zoning Regulations for the granting of a use variance. It is the opinion of the Board

that the subject property can be developed as it is presently zoned and that the recent action of the Zoning Commission which changed the zoning of the property from R-5-A to a R-2 low density district indicates the intent of the zoning plan to allow for residential development of the subject property. The Board further concludes, that the granting of this application would do substantial detriment to the public good, affect adversely the use of neighboring property, and substantially impair the intent, purpose and integrity of the zone plan as embodied by the Zoning Regulations and Map.


ORDERED:

That the above application be DENIED.

VOTE: 4-0 (Mr. Harps not present, not voting)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER: **APR 17 1974**